





# KENTUCKY LEGISLATURE.

IN SENATE.

TUESDAY, Feb. 17, 1846.

Prayer by the Rev. Mr. BUCKLOCK.  
The Clerk read the Journal of yesterday.  
Mr. PEYTON, from the joint committee on Public Printing, presented a report, together with the testimony taken in the investigation of charges against the Public Printer, and whether the rates allowed by law for printing could not be reduced, &c., and a bill concerning the public printing.

The bill was read the first time, ordered to be read a second time, and, together with the report and testimony, ordered to be printed.

Mr. JAMES presented a communication, addressed to him by Buck & Montsarrat, of Louisville, stating the terms on which they would be willing to execute the Public Printing, which was read and ordered to be printed.

Mr. A. BOYD moved that the rules be dispensed to receive a single report (indicated) from the committee on the Judiciary: agreed to, two-thirds concurring.

Mr. HARDIN, from the committee on the Judiciary, to whom had been referred a H. R. act to re-model and change the Judicial Districts, and equalize the labors of the Circuit Judges, reported the same with amendments.

Mr. BUTLER moved that the bill and amendments be printed, and made the special order for to-morrow: negatived.

Mr. PATTERSON moved that the bill lie on the table: negatived, yeas 11, nays 27, as follows:

YEAS—Messrs. Bradford, Butler, Crenshaw, Fox, Heady, Helm, James, Patterson, Slaughter, South and Walker—11.

NAYS—Messrs. Ballard, A. Boyd, W. P. Boyd, Bradley, Bramlette, Chenault, Comer, Draffin, Drake, Dyer, Evans, Gray, Hardin, Harris, Henderson, Holloway, Key, Marshall, Newell, Peyton, Swope, Taylor, Thomas, Thurman, Todd, Wallace and Woodson—27.

The first amendment, offered by the committee on the Judiciary, that so much of the bill as attaches Harrison to the 10th district be stricken out, and add Harrison to the 3d district: negatived, yeas 18, nays 19, as follows:

YEAS—Messrs. A. Boyd, Bradford, Bradley, Butler, Chenault, Crenshaw, Dyer, Evans, Gray, Hardin, Henderson, Holloway, Key, Peyton, Slaughter, Taylor, Todd and Woodson—18.

NAYS—Messrs. Ballard, W. P. Boyd, Bramlette, Comer, Draffin, Fox, Harris, Heady, Helm, James, Marshall, Newell, Patterson, South, Swope, Thomas, Thurman, Walker and Wallace—19.

The second amendment from the committee was then reported, that Owen be added to the 17th district.

Mr. DRAFFIN moved to re-consider the vote rejecting the first amendment from the committee: re-considered.

The first and second amendments from the committee on the Judiciary, were then adopted.

The third amendment from the committee, to strike out the 4th and 5th sections of the bill, and insert, that Caldwell, Crittenden, Trigg, Marshall and Calloway shall compose the 2d district: that Henderson shall be added to the 7th district, &c., and that the Judge of the 17th district shall not be required to hold the General Court: adopted.

Mr. WALLACE moved that Oldham be added to the 5th district.

Mr. DRAFFIN moved the previous question: negatived.

Mr. WALLACE'S amendment was then rejected, yeas 2, nays 31.

Mr. PATTERSON moved that Union be added to the 2d district: negatived.

Mr. SWOPE moved to strike out the 7th section of the bill, repealing an act requiring Judges to reside in their districts: agreed to.

Mr. NEWELL moved to add Nicholas to Judge Farrow's district, and Harrison to Judge Simpson's: negatived.

Mr. PATTERSON moved that the Judge of the 2d district have two years to move into it.

Mr. A. BOYD moved the previous question: ordered.

The bill was then ordered to be read a third time, yeas 25, nays 12, as follows:

YEAS—Messrs. Ballard, A. Boyd, W. P. Boyd, Bradford, Bradley, Bramlette, Chenault, Comer, Draffin, Drake, Dyer, Evans, Gray, Hardin, Henderson, Holloway, Key, Peyton, Swope, Taylor, Thomas, Thurman, Todd, Wallace and Woodson—25.

NAYS—Messrs. Butler, Crenshaw, Hardin, Heady, Helm, James, Marshall, Newell, Patterson, Slaughter, Todd and Walker—12.

The third reading having been dispensed,

Mr. PATTERSON moved an amendment, as an engrossed rider, that the Judge of the 2d District have two years to move into it: negatived, yeas 24, nays 13, (not two thirds) as follows:

YEAS—Messrs. Ballard, A. Boyd, W. P. Boyd, Bradford, Bradley, Bramlette, Comer, Crenshaw, Drake, Draffin, Heady, Henderson, Holloway, James, Patterson, Slaughter, Swope, Taylor, Thomas, Thurman, Todd, Walker, Wallace and Woodson—24.

NAYS—Messrs. Butler, Chenault, Draffin, Dyer, Evans, Gray, Harris, Helm, Key, Marshall, Newell, Peyton and South—13.

The bill, as amended, then passed, yeas 24, nays 14, as follows:

YEAS—Messrs. Ballard, A. Boyd, W. P. Boyd, Bradford, Bradley, Chenault, Comer, Draffin, Drake, Dyer, Evans, Gray, Harris, Henderson, Holloway, Key, Marshall, Peyton, South, Swope, Thomas, Thurman, Wallace and Woodson—24.

NAYS—Messrs. Butler, Crenshaw, Draffin, Dyer, Evans, Gray, Harris, Helm, Key, Marshall, Newell, Peyton and South—13.

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NAYS—Messrs. Butler, Crenshaw, Draffin, Dyer, Evans, Gray, Harris, Helm, Key, Marshall, Newell, Peyton and South—13.

revenue in Banks as a payment into the Treasury: Sheriff's to have 7 1/2 per cent. commission on first \$3,000 revenue paid in, and 5 per cent. for all over that sum, &c.: passed, yeas 22, nays 15, as follows:

YEAS—Messrs. A. Boyd, W. P. Boyd, Bradley, Bramlette, Comer, Draffin, Dyer, Evans, Hardin, Harris, Heady, Helm, Henderson, Holloway, James, Marshall, Newell, South, Swope, Thomas, Walker and Wallace—22.

NAYS—Messrs. Ballard, Bradford, Butler, Chenault, Crenshaw, Drake, Fox, Gray, Key, Peyton, Slaughter, Taylor, Thurman, Todd and Woodson—15.

The Senate then took a recess till 3 1/2 o'clock.

EVENING SESSION.

Mr. DRAFFIN, from a select committee, reported a bill to change the name of Eufracia Hendricks to Eufracia Smith.

Mr. TODD moved an amendment to change the name of Benjamin Thomas Sparr to B. T. Gray: adopted.

The bill, as amended, then passed.

Mr. BUTLER, leave to introduce and then to report, as from a select committee, a bill for the benefit of the Louisville tobacco warehouse: the owner allowed to erect another warehouse nearer the river where inspection may be had, &c.: passed.

Mr. HELM, from the committee on the Sinking Fund, a bill for the benefit of Wilson, Knott, & Co.: the sum of \$957 appropriated to pay them for losses as contractors in building Locks and Dams, Nos. 4 and 5, on Kentucky river: re-committed to the committee on Internal Improvement.

ORDERS OF THE DAY.

Sundry H. R. acts were taken up, read a first time, ordered to be read a second time, and referred to appropriate standing committees.

An engrossed bill to complete Lock and Dam No. 2, on Licking river: appropriates \$30,000 to the object: the revenue of Campbell, Kenton and Pendleton, above \$2,000 per annum, and proceeds of rent of water-power at all the dams, to go to complete the five Locks and Dams begun, &c.:

"And the question being taken, shall the bill pass?" it was decided in the negative, yeas 8, nays 29, as follows:

YEAS—Messrs. Dyer, Evans, Newell, Swope, Thomas, Todd, Wallace and Woodson—8.

NAYS—Messrs. Ballard, A. Boyd, W. P. Boyd, Bradford, Bradley, Bramlette, Chenault, Comer, Crenshaw, Draffin, Drake, Fox, Gray, Hardin, Harris, Heady, Helm, Henderson, Holloway, James, Key, Marshall, Patterson, Peyton, Slaughter, South, Taylor, Thurman and Walker—29.

A bill for the benefit of the Lunatic Asylum: made special order for to-morrow.

A bill to change the time of holding the Fleming, Bath, Morgan and Estill Circuit Courts: re-committed to a select committee.

A H. R. act divorcing Jesse Gee from his wife, Elizabeth Gee: passed, yeas 19, nays 16.

A H. R. act divorcing Edward Farrow from his wife, Martha Farrow: passed.

A H. R. act for the benefit of the Covington and Lexington Turnpike Road Company: passed.

A H. R. act for the benefit of Thomas Houser, of Monroe county: passed.

A H. R. act for the benefit of Henry Blanton and Robert Snell, executors of Carter Blanton, deceased: releases them from paying a judgment for nine hundred and ——— dollars in favor of the Commonwealth, proceeds of a sum of money said Carter Blanton had, as administrator of ———, dec'd, who died intestate, without heirs, and which sum had been distributed by said executors, to the legatees of said Carter Blanton, dec'd:

And the question being taken, shall the bill pass? it was decided in the negative, yeas 19, nays 19, as follows:

YEAS—Messrs. Ballard, Bradford, Bramlette, Comer, Crenshaw, Draffin, Drake, Dyer, Fox, Heady, Holloway, Key, Newell, Slaughter, Swope, Thomas, Walker, Wallace and Woodson—19.

NAYS—Messrs. A. Boyd, W. P. Boyd, Bradley, Butler, Chenault, Evans, Gray, Hardin, Harris, Helm, Henderson, James, Marshall, Patterson, Peyton, South, Taylor, Thurman and Todd—19.

The Senate being equally divided, the SPEAKER voted in the negative, and so the bill was disagreed to.

A H. R. act divorcing Thomas Stark from his wife, Nancy Stark: disagreed to, yeas 11, nays 21. The Senate thus disposed of all the orders of the day.

Mr. DYER moved that a committee be appointed to withdraw from the H. R. the report of the disagreement of the Senate to the bill divorcing Joseph W. Tate from his wife: agreed to, and Messrs. NEWELL, PATTERSON and GRAY were appointed said committee.

A message from the H. R. announcing that they had passed sundry divorce bills, to which they asked the concurrence of the Senate.

On motion of Mr. HENDERSON.

Mr. SLAUGHTER, from the committee on Education, had leave to report a bill for the benefit of Laurel and Livingston counties: allows certain districts to draw their share of the school fund, though the Commissioners had failed to report.

Mr. CONNER moved an amendment with a similar provision for Greenup: adopted.

The bill as amended then passed.

Mr. PATTERSON, from the select committee, for that purpose, returned from the H. R. the bill to divorce Joseph W. Tate.

On motion of Mr. DYER, the vote disagreeing to said bill was re-considered.

And then the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 17, 1846.

Prayer by Rev. Mr. Goodell.

The Journal of yesterday being read by the Clerk, Petitions were presented by Messrs. WALLER, and BOTT, which were received and referred.

Mr. BARLOW, from the committee on the Penitentiary, submitted a report on the condition of the State prison: which was read—recommending an enlargement of the prison limits, and the passage of the Senate bill on that subject: and also recommending a bill loaning to the present keepers the sum of \$10,000, &c.

Mr. BARLOW stated that he would propose the said loan by way of amendment to the Senate bill.

On motion of Mr. JACKSON, and leave granted, Mr. PETERS, Chairman of the committee on Religion, reported a bill divorcing Susan Garnett from her husband, James Garnett: passed.

REPORTS FROM THE COMMITTEE ON THE JUDICIARY.

The Lien Law.

Mr. HARLAN, from the committee on the Judiciary, proceeded with his reports, to-wit:

A bill for the benefit of Mechanics and Manufacturers: extending and making general the act for the benefit of the Mechanics of Maysville, approved February 1st, 1839, granting Mechanics liens on their work.

A Senate message, by Mr. Secretary KOLHASS, now reported the action of that body on sundry bills, &c.

Mr. E. SMITH proposed to amend by adding an exception for the counties of Rockcastle and Laurel.

Mr. HARLAN opposed the amendment.

Mr. E. SMITH called for the reading of the bill, and the act of '39, proposed to be extended.

Mr. J. SPEED SMITH submitted his utter dissent to the principle and every provision of the bill.

It was partial and invidious favoring the demands and claims of one class at the expense of others.

Mr. BARKLEY had a substitute to offer, for the bill and amendment. He had drawn it upon the suggestions of a petition with which he had been entrusted, and would propose it at the proper time, and he thought it might reconcile the objections taken to the bill which had been reported.

Mr. WALLER was surprised that the bill should meet with any opposition. He was struck with the justice of its provisions. It was a proposition for the benefit of a large class of citizens (and a very deserving class too,) without inflicting injury upon any. What did the bill propose? It proposed that the labor of men, in all the mechanic arts, which apply to real property and fixtures, and all who furnish materials for fixtures to real estate, should have a lien to the amount of his labor on the property to which his labor has been applied. Such was simply the law. Its provisions had been applied, mutually without opposition, but with the utmost facility, in many of our towns and cities. Why not then make its application general? It had found favor, and operated for the benefit of all classes in Maysville, in Covington, in Louisville, in Brandenburg, &c. All the provisions of the act proposed to be extended were entirely general, and applicable to mechanics throughout the State. The gentleman from Madison says the bill is invidious—making distinctions between classes, &c. But, if the gentleman would point out any thing wrong in the principle, then there would be justice and pertinency in his remarks. Mr. W. went upon the principle, that when you advantage the laboring classes, you also operate for the advantage of the community—if, by so doing, you inflict injury upon no one. Then he would ask gentlemen what class of men could be injured by this act? Did it not simply ask and secure the payment of honest debts to labor? and should not the language of scripture remain true, that "the laborer is worthy of his hire?" Could any evil or any injustice come to the employer because he is compelled to pay his honest debt by his property being undeliable therefor? The bill did not apply the lien to personal property. It applied only to realty: and why? because it could always be rendered practicable—could always apply, and always be recognized. But such was not the case with personal property: it was too evanescent for any lien to affect it. But because we cannot pass a law to protect that class of laborers, who do not apply their labor to property real, should it follow that we shall not pass a law for the protection of those we can protect? Mr. W. would protect all if he could, &c. Mr. W. extended his remarks upon the idea that society was like a web that is bound together and compacted by innumerable ties and relations: so that when one class was protected, a benefit was conferred upon all. Hence he saw a peculiar fitness and propriety in the law which protects labor by a lien on the very property which it was advantaged, &c.

Copious amendments were then proposed, and some of them were applied to the substitute: which was at length adopted in lieu of the original bill.

The subject was further discussed by Messrs. MAYES, BALEE and GLOVER in favor of the proposition, and by Messrs. DALLAM and J. S. SMITH against it—the latter, at last, moving "to lay the bill on the table, with all its structures, collateral and incidents," which motion was, however, ineffectual.

But, finally, when the question was taken on the passage of the bill, the vote stood—yeas 38; nays 53, as follows, to-wit:

YEAS—Messrs. Abbott, Alexander, Balee, Barkley, Bots, Breeden, Brown, Brooks, Clark, Leslie, Combs, Comer, Cox, Darby, Duncan, Finnell, Glover, Harlan, Huntton, Jackson, D. B. Johnson, Kelly, Maxey, McKellup, Myers, Orrdorf, Orr, Peters, Pope, Priest, Reid, Riley, Seaton, J. Smith, Stephens, Stevenson, Thurston, Walker and Waller—38.

NAYS—Mr. Speaker, Messrs. Anthony, Barlow, Barnett, Begley, George Bowling, R. C. Bowling, Cessna, Clarke, Cleveland, J. Combs, Dallam, Desha, Dudley, Elliott, Fallis, Ford, Gano, Gardner, Glenn, Gore, Haggard, Hardy, Hatfield, Hay, Howell, Howell, A. Johnston, Jones, Layne, Mason, Mayhall, Mayes, McCampbell, Miller, Murray, Purdon, Railey, Rodman, Shawhan, Short, Elisha Smith, J. S. Smith, Sparks, Speed, Berry Stone, Shelby Stone, A. W. Thomas, Wallace, Wheat, Whitlock, Whitsett and Wortham—53.

So the bill was rejected.

THE PRINTING COMMITTEE REPORT.

Mr. FINNELL, by unanimous consent, and under instructions from the committee on Printing, now laid before the House a report in writing—which was received, and ordered to be printed.

Mr. GLENN stated to the House that a minority report would be presented in a few days—and he took occasion to lay before the House a letter from Messrs. Back and Monsarrat, (proposing the terms on which they would execute the public printing,) and to ask that it take the same direction and be printed with the majority report; which being objected to, he moved a dispensation of the rules to allow him to make the motion for such an order; and asked for the reading of the letter, which was had for information.

And then the House refused to dispense—yeas 50, nays 38—three fourths not voting in the affirmative.

Mr. HARLAN, from the committee on the Judiciary, reported a resolution rejecting the petition of John S. Lucas.

Mr. BARLOW proposed to reverse the report; which was concurred in by the House: but before further question was taken, the SPEAKER called the

provided for the work: and Mr. WALLER'S amendment proposing the incorporation for the Maysville and Lexington Railroad Company—allowing the cities of Maysville and Louisville, and the Frankfort and Louisville Railroad Company, each in their corporate capacity, the right of subscribing to any amount of stock. The following gentlemen being named in the bill as Commissioners, to-wit: James Harlan, Edmund H. Taylor, Harry I. Todd, H. I. Bodley, A. C. Hodges, and William R. McKee, at Frankfort; and John J. Jacob, W. H. Pope, Charles M. Strader, Thomas J. Shreve, Joshua E. Bowles, Andrew Buchanan, Wm. Gay, Wm. B. Clifton, Jas. Rudi, Henry Clay, Jr., Samuel Casseday, and William Garvin, at Louisville.

Mr. PETERS took the floor in support of the bill occupying the allotted half hour: and the succeeding half hour was occupied by Mr. HARDY in opposition. The former Speaker will be reported for this paper.

Mr. SEATON followed in support of the proposition.

Mr. B. STONE proposed to lay the bill and amendments on the table, and the yeas and nays being ordered thereon, the vote stood—yeas 35, nays 51.

So the House refused to lay the bill on the table.

Mr. J. S. SMITH proposed to amend by requiring the payment to the State of the \$100,000 in \$25,000 annual instalments, commencing the year after the cars shall commence running, in lieu of the stock proffered, &c.: which was adopted.

The SPEAKER laid before the House a report from the President of the Board of Internal Improvement in relation to certain claims, for damages by slack-water improvements: which was referred to the committee on Internal Improvement.

And then the Chair announced the daily recess.

EVENING SESSION.

The SPEAKER resumed the Chair.

The bill was then ordered to engrossment and a third reading.

When Mr. MAYES took the floor and occupied the allotted thirty minutes in opposition to the bill.

Mr. DUNCAN proposed to amend by adding to the proposition the provisions of the bill to incorporate the Licking and Lexington Railroad Company.

Mr. STEVENSON was then heard in support of the bill as distinct from the amendment just proposed.

Mr. E. SMITH and Mr. BALEE followed on the same side.

Mr. PETERS moved to re-consider the vote by which the amendment of the gentleman from Madison was adopted: with the object of putting the proposition in the alternative,—that is, so that the State may elect whether to take the stock or the money: which was carried.

Mr. L. COMBS moved to put the proposition in the alternative—making it optional with the Legislature whether to receive the \$100,000 or the stock,—by way of amendment to the amendment offered by the gentleman from Madison: which carried.

And the amendment as amended, was then adopted.

And then (the amendment offered by the gentleman from Bourbon being ruled out of order,) the amendment by way of substitute, reported by the select committee, as amended, was concurred in by the House.

Mr. DALLAM asked the unanimous consent of the House to insert an amendment out of order in the body of the bill. [Agreed, agreed.]

The CLERK then read the amendment, striking out that portion which reserves to the State the right to tax the capital stock as real estate after a dividend of five per cent shall have been declared, and inserting a provision for taxing the travel and freight a half cent a mile per passenger, and one cent a mile per ton, for freight, whenever the profits of the work shall yield a dividend of six per cent: which was adopted.

And the question being taken on the engrossment and third reading of the bill, it was decided in the negative—yeas 38, nays 55, as follows, to-wit:

YEAS—Mr. Speaker, Messrs. Alexander, Balee, R. C. Bowling, Breeden, Brown, Clark, Clarke, Cleveland, James Combs, Leslie Combs, Comer, Cox, Darby, Duncan, Finnell, Glover, Harlan, Huntton, Jackson, D. B. Johnson, Kelly, Maxey, McKellup, Myers, Orrdorf, Orr, Peters, Pope, Priest, Reid, Riley, Seaton, J. Smith, Stephens, Stevenson, Thurston, Walker and Waller—38.

NAYS—Mr. Speaker, Messrs. Anthony, Barlow, Barnett, Begley, George Bowling, R. C. Bowling, Cessna, Clarke, Cleveland, J. Combs, Dallam, Desha, Dudley, Elliott, Fallis, Ford, Gano, Gardner, Glenn, Gore, Haggard, Hardy, Hatfield, Hay, Howell, Howell, A. Johnston, Jones, Layne, Mason, Mayhall, Mayes, McCampbell, Miller, Murray, Purdon, Railey, Rodman, Shawhan, Short, Elisha Smith, J. S. Smith, Sparks, Speed, Berry Stone, Shelby Stone, A. W. Thomas, Wallace, Wheat, Whitlock, Whitsett and Wortham—53.

So the bill was rejected.

THE PRINTING COMMITTEE REPORT.







